

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**THIS DOCUMENT RELATES TO:**

**ALL CASES**

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**MOTION TO DISQUALIFY PURSUANT TO 28 U.S.C. § 455(a)**

Pursuant to 28 U.S.C. § 455(a), and for the reasons set forth in the accompanying memorandum, the undersigned defendants move the Court to recuse itself from these MDL proceedings.

Dated: September 14, 2019

Respectfully submitted,

/s/ Robert A. Nicholas

Robert A. Nicholas  
Shannon E. McClure  
**REED SMITH LLP**  
Three Logan Square  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
Tel: (215) 851-8100  
Fax: (215) 851-1420  
rnicholas@reedsmith.com  
smcclure@reedsmith.com

*Counsel for AmerisourceBergen Drug  
Corporation and AmerisourceBergen  
Corporation*

---

*/s/ Enu Mainigi*

Enu Mainigi  
F. Lane Heard III  
**WILLIAMS & CONNOLLY LLP**  
725 Twelfth Street NW  
Washington, DC 20005  
Tel: (202) 434-5000  
Fax: (202) 434-5029  
emainigi@wc.com  
lheard @wc.com

*Counsel for Defendant Cardinal Health*

---

*/s/ Eric R. Delinsky*

Eric R. Delinsky  
Alexandra W. Miller  
**ZUCKERMAN SPAEDER LLP**  
1800 M Street, NW  
Suite 1000  
Washington, DC 20036  
Tel.: (202) 778-1800  
Fax: (202) 822-8106  
edelinsky@zuckerman.com  
smiller@zuckerman.com

*Counsel for CVS Rx Services, Inc., CVS Indiana, L.L.C., CVS Tennessee Distribution, L.L.C., CVS Pharmacy, Inc., West Virginia CVS Pharmacy, L.L.C., Caremark Rx, L.L.C.*

---

*/s/ Geoffrey Hobart*

Geoffrey E. Hobart  
Mark H. Lynch  
**COVINGTON & BURLING LLP**  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001  
Tel: (202) 662-5281  
ghobart@cov.com  
mlynch@cov.com

*Counsel for Defendant McKesson Corporation*

---

*/s/ Kelly A. Moore*

Kelly A. Moore  
**MORGAN, LEWIS & BOCKIUS LLP**  
101 Park Avenue  
New York, NY 10178  
Tel: (212) 309-6612  
Fax: (212) 309-6001  
kelly.moore@morganlewis.com

Elisa P. McEnroe  
**MORGAN, LEWIS & BOCKIUS LLP**  
1701 Market Street  
Philadelphia, PA 19103  
Tel: (215) 963-5917  
Fax: (215) 963-5001  
elisa.mcenroe@morganlewis.com

*Counsel for Rite Aid of Maryland, Inc., d/b/a Rite Aid Mid-Atlantic Customer Support Center*

/s/ John P. McDonald

John P. McDonald (TX Bar # 13549090)  
C. Scott Jones (TX Bar # 24012922)  
**LOCKE LORD LLP**  
2200 Ross Avenue  
Suite 2800  
Dallas, TX 75201  
Tel: (214) 740-8000  
Fax: (214) 756-8758  
jpmcdonald@lockelord.com  
sjones@lockelord.com

*Counsel for Henry Schein, Inc. and Henry Schein Medical Systems, Inc.*

/s/ Kaspar J. Stoffelmayr

Kaspar J. Stoffelmayr  
**BARTLIT BECK LLP**  
54 West Hubbard Street  
Chicago, IL 60654  
Tel.: (312) 494-4400  
Fax: (312) 494-4440  
kaspar.stoffelmayr@bartlitbeck.com

*Counsel for Walgreen Co. and Walgreen Eastern Co.*

/s/ Tina M. Tabacchi

Tina M. Tabacchi  
Tara A. Fumerton  
**JONES DAY**  
77 West Wacker  
Chicago, IL 60601  
Tel.: (312) 269-4335  
Fax: (312) 782-8585  
ttabacchi@jonesday.com  
tfumerton@jonesday.com

*Counsel for Walmart Inc.*